

IN THE CLAIMS

1. (currently amended) A prefabricated construction element for use after its manufacturing as an underlayment or backerboard comprising:
 - (a) a cementitious core having an upper principal surface and a lower principal surface; and
 - (b) an impervious non-cementitious reinforcement membrane on the lower principal surface of the core, the impervious non-cementitious reinforcement membrane remaining on the lower principal surface of the core after the manufacture of the construction element; and
 - (c) a cementitious bonding surface remaining on the upper principal surface of the core after the manufacture of the construction element;
the core including alkaline resistant fibers; and
the construction element being prefabricated;
~~wherein there is only one impervious membrane for the construction element, that being located on the lower principal surface of the core.~~
2. (original) The construction element of Claim 1, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.
3. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising a reinforced polymer membrane.
4. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising waterproof water impervious paperboard.
5. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising spunbonded olefin.
6. (currently amended) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising an alkaline resistant dense polymer fiber mat.
7. (previously presented) The construction element of Claim 2, the core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

8. (currently amended) A prefabricated cementitious panel for use after its manufacturing as an underlayment or backerboard comprising:

- (a) a core having an upper principal surface and a lower principal surface;
- (b) a pervious upper reinforcement material on the upper principal surface of the core;
- (c) an upper coating in communication with the upper principal surface of the core and the pervious upper reinforcement material; and
- (d) an non-liquid applied impervious non-cementitious reinforcement membrane on the lower principal surface of the core, the impervious non-cementitious reinforcement membrane remaining on the lower principal surface of the core after the manufacture of the cementitious panel; and
- (e) a pervious cementitious bonding surface remaining on the upper principal surface of the core after the manufacture of the construction element;
the cementitious panel having a core including cement, and
the construction element cementitious panel being asymmetrical in design such that a layer or layers on the upper principal surface differ in arrangement from the layer or layers on the lower principal surface after manufacture, the upper principal surface includes a pervious cementitious bonding surface and the lower principal surface includes an impervious non-cementitious reinforcement membrane.

9. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising a single reinforced polymer membrane layer.

10. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising waterproof water impervious paperboard.

11. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising spunbonded olefin.

12. (currently amended) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising an alkaline resistant dense polymer fiber mat.

13. (previously presented) The cementitious panel of Claim 8, the cement core comprising Portland cement and an additive selected from the group consisting of expanded

shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads, and

wherein there is only one impervious non-cementitious reinforcement membrane for the construction element, that being located on the lower principal surface of the core.

Claims 14-44 (canceled)

45. (currently amended) A prefabricated asymmetrical structural construction element for use after its manufacturing as an underlayment or backerboard comprising:

- (a) a cement core having an upper principal surface and a lower principal surface;
- (b) a pervious reinforcement layer on the upper principal surface of the core;
- (c) a cement slurry binding the reinforcement layer to the upper principal surface of the core; and
- (d) an impervious non-cementitious reinforcement membrane layer on the lower principal surface of the core, the impervious membrane remaining on the lower principal surface of the core after the manufacture of the structural construction element; and
- (e) a pervious cementitious bonding surface remaining on the upper principal surface of the core after the manufacture of the structural construction element;

~~the structural construction element being asymmetrical in design such that a layer or layers on the upper principal surface differ in arrangement from the layer or layers on the lower principal surface after manufacture, the upper principal surface includes a pervious cementitious bonding surface and the lower principal surface includes an impervious non-cementitious reinforcement membrane;~~

wherein there is only one impervious non-cementitious reinforcement membrane for the construction element, that being located on the lower principal surface of the core;

the impervious non-cementitious reinforcement membrane barrier enabling water vapor to pass therethrough; and

the construction element being a prefabricated structural element capable of supporting loads associated with elements used as an underlayment or backerboard.

46. (currently amended) The prefabricated asymmetrical structural construction element of Claim 45, the upper principal surface and the lower principal surface of the core have different moisture-resistant layers, respectively, on each.

Claims 47-48 (canceled)

49. (currently amended) The prefabricated structural asymmetrical cementitious panel of Claim 45, the core including alkaline resistant fibers.

50. (currently amended) The prefabricated structural asymmetrical cementitious panel of 49, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

51. (currently amended) The prefabricated structural asymmetrical cementitious panel of Claim 50, the impervious non-cementitious reinforcement membrane comprising a reinforced polymer membrane.